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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 10 November 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to forward the comments of the Republic of Uzbekistan on the content of draft resolution A/C.3/61/L.39 on the situation of human rights in Uzbekistan, which was sponsored in the Third Committee by the United States delegation (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the sixty-first session of the General Assembly under agenda item 67 (c).

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 10 November 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Comments by Uzbekistan on the content of the draft resolution on the situation of human rights in Uzbekistan, contained in document A/C.3/61/L.39*

Paragraph 2 (a)

During the events in Andijan, Uzbekistan underwent attacks by terrorists during which several groups of gunmen, numbering more than 100, mounted an assault on a military unit and a police checkpoint, capturing 334 firearms, freeing more than 500 prisoners from the city jail and issuing weapons to them, then attacking the local government building and other official facilities, taking 70 government officials, law-enforcement officers and civilians hostage and organizing attempts to seize power by armed force in Andijan province and to destabilize the situation in Uzbekistan.

The findings of the investigation, which was carried out in full compliance with the requirements of Uzbek law and international rules, showed that the terrorist acts in Andijan had been meticulously planned and orchestrated by destructive forces outside the country, with a view to overthrowing the constitutional order in Uzbekistan. These events led to the death of 187 individuals, of whom 60 were civilians, 11 military servicemen and 20 law-enforcement officers. In all, 287 individuals were wounded, 91 of them civilians, 49 law-enforcement officers and 59 military servicemen.

In all, during the investigation, 11,916 witnesses, victims and civilian plaintiffs were questioned, 3,664 confrontations of witnesses and suspects were organized, 2,827 inspections of the scene of events and the material evidence were conducted and recorded on film and in photographs, 326 statement verifications were carried out at the scene of events and 3,217 forensic studies of various kinds were ordered and conducted, in the following specialized areas: medicine (584), ballistics (589), criminology (363), biology (667), chemistry (224), commodity science (162), religion (64) and other fields (564). A total of 9,486 separate pieces of material and written evidence were discovered and seized and more than 4,500 decisions handed down on the conduct of a range of investigative actions pursuant to the Code of Criminal Procedure. The materials relating to the investigation into the Andijan events fill 2,823 volumes.

Any country in the world, subjected to attacks of this sort, accompanied by the seizure of local government buildings and the taking of hostages, who were first tortured then savagely beaten, would have the right to take appropriate response measures. Uzbekistan took the decisions which it had to take. Furthermore, it is now clear that Uzbekistan succeeded in nipping in the bud a campaign of aggression by

* Headings in the present report correspond to the subparagraphs of the draft resolution contained in A/C.3/61/L.39.

terrorists who had their sights set not just on the Ferghana valley, but on the whole of Central Asia.

The appropriate government bodies in Uzbekistan prepared a report setting out the findings of the investigation into the terrorist acts in Andijan and this report was sent in mid-August 2006 to the foreign ministries of Finland (current President of the European Union), Germany (next President of the European Union) and Belgium (current holder of the Organization for Security and Cooperation in Europe (OSCE) chairmanship). The Uzbek authorities stand ready to provide any other information relevant to the report.

The reaction of most Western countries to these events was based on sensational reports by the media, which totally exaggerated the extent of the Government's use of force. Almost no mention was made of the fact that the aggressors were armed, killed innocent people, took hostages, set fire to the main theatre in Andijan, burnt private cars and attacked government buildings or that the organizers had clearly planned the events as a military operation. The events that took place in Andijan were directed by armed criminals. The terrorist organizers dispersed armed fighters among the crowd — a tactic employed by several notorious terrorist organizations.

The Government took every possible step to avoid civilian casualties in its actions to neutralize the terrorists. Government representatives conducted lengthy negotiations with the terrorists and the Government even agreed to release six extremists from detention, in response to a demand from the terrorists. The terrorists kept putting forward more and more demands, however, causing the negotiations to stall. At this point the government forces started to surround the local government building which had been seized by the terrorists. When they realized that their situation was hopeless, the terrorists decided to abandon the building, shooting indiscriminately and using civilians as human shields.

Paragraph 2 (b)

The allegation that local non-governmental organization representatives were detained to prevent them observing the trials of Andijan suspects is unfounded.

The trial of the 15 most active participants in the Andijan events was observed by more than 100 representatives of foreign and local media, diplomatic missions and international organizations, including the United Nations, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Shanghai Cooperation Organization and such international human rights bodies as Human Rights Watch and the American Association of Jurists and others. No restrictions were placed by the judicial authorities on observations of the trials. Local non-governmental organizations, including the Independent Human Rights Association and others, also observed the trial.

Some trials of participants in the terrorist acts were closed to the public by order of the court and pursuant to article 19 of the Uzbek Code of Criminal Procedure, which provides for measures to ensure the safety of victims, witnesses and other persons involved in the proceedings. This provision is entirely consistent with international standards.

Paragraph 2 (c)

Since the early days of independence, Uzbekistan has attached great importance to the formation of civil society, of which non-governmental organizations are a vital component.

In Uzbekistan, non-governmental organization activity is supported and guaranteed by the State. A sound legal basis for their activities has been established. More than 10 laws have been adopted in Uzbekistan on the various organizational and legal forms of non-governmental organizations, including the Voluntary Associations Act, the Civil Code, the Non-Governmental Non-Profit Organizations Act and others.

The Uzbek Constitution enshrines the guarantees extended by the State to non-governmental organizations, which act as a unique bridge between the State and society.

Currently there are over 5,000 non-governmental organizations, including international non-governmental organizations, operating in Uzbekistan. Among these are the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, and others.

Uzbekistan considers that civil-society institutions should serve to reinforce the ideas that have historically been characteristic of the Uzbek people, such as tolerance and harmony among peoples, religions and cultures.

In Uzbekistan, however, as in most countries, the rule of law is paramount. This applies also to non-governmental organizations, if they commit egregious or deliberate breaches of their own statutes and the rules governing their activities in the territory of the Republic of Uzbekistan.

When the constituent and other documents of a non-governmental organization run counter to the requirements of Uzbek law, in particular the Non-Governmental Non-Profit Organizations Act, the Voluntary Associations Act, the Political Parties Act, the Public Foundations Act and the regulations governing applications for registration of the statutes of voluntary associations operating in the territory of the Republic of Uzbekistan, that organization may be refused registration. An appeal against such a decision may be duly lodged before any of a number of courts.

As for the allegation that a number of non-governmental organizations were shut down after the Andijan events, the closure of these organizations had nothing to do with the Andijan events. A number of non-governmental organizations were closed on the decision of their founders (and not the registration authorities or the courts), prompted by the lack of funds for their continued operation. Some non-governmental organizations were closed by decision of the court for failure to keep to their statutory purposes and tasks and for breaching the current law of Uzbekistan. The closure of these non-governmental organizations only took place after repeated warnings by the registration authorities regarding the need for them to comply with the law and their own statutes.

The principal tasks facing UNHCR in Uzbekistan, whose office in the country opened in 1993, included organizing the repatriation of Tajik refugees from

Afghanistan and Turkmenistan to their home country and rendering humanitarian assistance to refugees in Afghanistan. In the performance of these tasks, and also to ensure that the UNHCR office was able to operate fully and efficiently, the Uzbek Government, acting in the spirit of friendly cooperation, gave the UNHCR office in Tashkent every assistance.

Thanks to the end of the civil war and the stabilization of the situation in Tajikistan, together with the end of military hostilities in Afghanistan, the Tajik refugees were able to return to their country with assistance from UNHCR and the Uzbek Government.

In 2004, with support from the Uzbek Government, the UNHCR office in Tashkent was able to complete its programme of delivering humanitarian assistance to Afghanistan through the territory of Uzbekistan.

Given the measures described above, by working in cooperation and harmony with the people and Government of Uzbekistan, the UNHCR office in Tashkent was able to complete all the tasks assigned to it and UNHCR was duly apprised of this.

Paragraph 2 (d)

Allegations that eyewitnesses of the Andijan events in May 2005, as well as journalists, media officers and human rights defenders, were harassed and detained are unfounded.

Following the tragic events in Andijan, detective work was carried out to identify the culprits involved in the commission of criminal offences and to elucidate all the circumstances surrounding the events.

All these actions were conducted in accordance with the law and in the interests of national security, in a manner comparable, for example, to the measures conducted by the United States authorities after the events of 11 September 2001 or by the British authorities after the explosions in London in July 2005.

Uzbek law guarantees the right of every citizen to freedom and personal safety. In this context, we also point out that no complaints of arbitrary arrest and detention were filed with the judicial authorities of Uzbekistan.

Paragraph 2 (e)

Allegations that independent media were prevented from functioning and that any form of dissent expressed by them was met with intolerance and increased restrictions on freedom of expression, and with harassment, beatings, arrests and threats against journalists, human rights defenders and civil-society activists were found not to be substantiated. Over the entire period that has elapsed, no complaints of this kind have been filed with the judicial authorities.

Uzbekistan's information policy is designed to ensure proper and full adherence to the principles of freedom of speech and the right of all citizens to information, as enshrined in the Uzbek Constitution.

Under article 67 of the Constitution, the mass media are free and shall operate in accordance with the law.

Under article 29 of the Constitution, every citizen has the right to seek, receive and disseminate any information, provided that such information is not directed against the constitutional order.

The Professional Activities of Journalists (Protection) Act stipulates that, in the exercise of their professional duties, journalists' individual safety shall be guaranteed. As part of its development and extension of the reform process in Uzbekistan, the Government plans to continue liberalizing the activities of the press, television and radio.

Paragraph 2 (f)

There are no artificial barriers to the registration of political parties in Uzbekistan.

In Uzbekistan, political parties operate in accordance with the Constitution, the Political Parties Act of 26 December 1996 (as amended and supplemented) and other legislative acts, and also on the basis of their own statutes.

Political parties acquire the status of legal entities and are able to start operating from the moment of registration. Registration depends on those responsible for founding the party and on the extent to which the constituent documents have been properly completed and the requirements of law fulfilled.

The registration of political parties is carried out by the Ministry of Justice, in accordance with the Political Parties Act, within one month of receipt of an application. Under article 5 of the Act, the State guarantees the protection of the rights and lawful interests of political parties and provides them with equal legal opportunities for them to pursue their statutory aims and objectives.

Under article 8 of the Political Parties Act, for the establishment of a political party, 20,000 signatures of Uzbek citizens must be obtained. This provision was adopted on the basis of international practice in the establishment and registration of parties.

Article 9 of the Act provides an exhaustive list of the grounds on which a political party may be refused registration. In the event of such a refusal, the Ministry of Justice informs an accredited member of the party's governing body accordingly, drawing attention to the legal provisions with which the documents that have been submitted are not in conformity. An appeal against a refusal to register a political party may be lodged with the Supreme Court of the Republic of Uzbekistan.

Currently the following parties are actively involved in the political life of Uzbekistan: the People's Democratic Party of Uzbekistan, the Fidokorlar National Democratic Party, the Milliy Tiklanish Democratic Party of Uzbekistan, the Adolat Social-Democratic Party and the Liberal Democratic Party of Uzbekistan, a movement of entrepreneurs and businesspeople.

Paragraph 2 (g)

The assertion that there is a continuing pattern of discrimination, harassment and prosecution with regard to the exercise of freedom of thought and religion, including through the refusal to register certain religious communities and police

raids against and deportations of members of registered and unregistered religious communities, is unfounded and not consistent with the facts.

Under Uzbek law, every citizen of the country has the right to profess any religion or none.

In Uzbekistan, the persecution of believers simply for their adherence to a particular faith is prohibited. The Freedom of Conscience and Religion Act prohibits all forms of religious or other fanaticism or extremism, or activities aimed at arousing opposition or exacerbating relations or fomenting hatred between various religions and sects. The imposition of religious views by force is also not allowed.

In Uzbekistan, which is home to members of 15 religious faiths, State policy on the encouragement of religious rights and freedoms provides broad opportunities for religious organizations to carry on their activities. Article 18 of the Constitution of Uzbekistan guarantees equal rights for all citizens, without regard to sex, race, nationality, language, religion, belief, social origin or status.

The Freedom of Conscience and Religion Act clearly defines the role and status of religious organizations and their interaction with government authorities and also fully guarantees the right of citizens to profess their religion, perform rites and ceremonies and make pilgrimages to holy places, both individually and in groups.

Every year, believers make pilgrimages to holy sites with the extensive support of the Government. Over the years since Uzbekistan's independence, more than 50,000 citizens have made pilgrimages to holy places.

Believers have the right freely to observe all religious holidays.

The State works to promote mutual tolerance and respect among its citizens who are members of different religious denominations. Every citizen has the right to profess any religion or to profess none.

State policy affords extensive opportunities for religious organizations to flourish in Uzbekistan. While in 1990, there were only 211 religious organizations in Uzbekistan, currently as many as 2,202 are registered in the country.

To ensure close interaction with religious organizations in Uzbekistan, a Committee for Religious Affairs has been set up, under which there is a Council on Faith Matters.

The country's religious education system incorporates the Tashkent Islamic Institute, ten madrasas, an Orthodox seminary and a Protestant seminary. The Tashkent Islamic University has been in operation since September 1999.

If the constituent and other instruments of religious organizations are inconsistent with the requirements of Uzbekistan law, in particular, the Freedom of Conscience and Religion Act, or with other rules and regulations covering aspects of registration, registration is refused. Appeals may be lodged with the courts against rejections of applications for registration.

Over the 2005-2006 period, registration was granted to more than 40 religious organizations.

Paragraph 2 (h)

The question of access by monitors to places of detention is governed by the rules of Uzbek law.

A number of non-governmental organizations are in operation in Uzbekistan which, by arrangement with the Central Corrections Office and the administration of the correctional colonies, have access to detainees, render them legal assistance and carry out their programmes. No observations have been submitted by the representatives of non-governmental and other organizations arising from the findings of visits to correctional facilities administered by the Central Corrections Office of the Ministry of Internal Affairs of the Republic of Uzbekistan.

Paragraph 2 (i)

The physical and moral integrity of all citizens of the Republic of Uzbekistan and all their rights and freedoms are fully protected by the State.

In accordance with Uzbek law, persons suspected or accused of the commission of offences undergo a judicial psychiatric appraisal to determine their mental state and whether or not they were of sound mind at the time of commission of the offence.

Individuals deemed not to have been of sound mind or suffering from mental illnesses may not be subject to criminal prosecution.

The court may, however, order the application to such persons of coercive measures of a medical nature.

Paragraph 2 (j)

The allegation regarding forced labour, in particular, of children, is unfounded.

The law of the Republic of Uzbekistan prohibits the use of forced labour, namely, coercing persons to perform work under the threat of a punishment, including the use of such threats as a means of maintaining discipline at work (article 51 of the Code of Administrative Liability, article 7 of the Labour Code and article 2 of the Employment Act).

We would note that that the definition of forced labour does not extend to work whose performance is required in the following circumstances:

- On the basis of legislative acts on military or alternative service;
- In a state of emergency;
- Pursuant to a court verdict which has become enforceable;
- In other circumstances provided for by law.

At the same time, penalties are stipulated by law for administrative coercion, whereby people are forced to perform work of any nature.

Pursuant to the Labour Code (article 77), the legal age of employment is 16. Persons aged 15 may be employed with the written consent of one of their parents or a person acting in their stead. This rule is fully consistent with the provisions of International Labour Organization (ILO) Convention No. 182.

In order to prepare young people for employment, it is permitted to offer jobs to pupils at general-education schools, vocational and technical colleges and other secondary educational establishments involving the performance of light work which causes no harm to their health or development and does not disrupt their education, during after school hours, upon their attaining the age of 14 and with the written consent of one of their parents or a person acting in their stead.

In after-school hours young people whose parents are farmers may assist them in their work, working in family teams.

There are two commissions on youth affairs in Uzbekistan: one headed by the deputy Prime Minister, the other by the Procurator-General. The use of child labour is monitored by officials of the State Labour Inspectorate, and also by trade union confederations at national, sectoral and local levels.

In addition, the Human Rights Commissioner of the Oliy Majlis (Parliament) of the Republic of Uzbekistan (the Ombudsman) and a number of non-governmental organizations, such as Sog'lom Avlod Uchun ("For a Healthy Generation"), Sen Yolg'iz Emassan ("You are not alone"), Sabr ("Patience") and others, are concerned with protecting the rights of children and young people.

Paragraph 3 (a)

As an independent and sovereign State which has at its disposal all the necessary resources to conduct a full-scale investigation into the circumstances surrounding the tragic events in Andijan, the Republic of Uzbekistan is fully entitled, on its own authority, to take a decision on the investigation of matters pertaining to its national security and lying exclusively within its own jurisdiction.

Armed attack, premeditated murder and the taking of hostages are considered the gravest criminal offences in every country in the world and incur severe penalties under law. The prosecution of such offences is effected in the framework of the country's criminal law, by the competent domestic authorities.

In accordance with the rules of international law, international inquiries are only held when the State itself submits a request for the conduct of such inquiries, on the grounds that its own authorities lack the competence to conduct them, or in the event of the collapse of the State, or also if the situation which has arisen poses a direct threat to the maintenance of international peace and security.

The Uzbek law-enforcement authorities conducted a full-scale inquiry which was carefully overseen by the independent parliamentary commission and by the international task force comprising members of the foreign diplomatic missions accredited to Uzbekistan.

The European Union countries and the United States of America rejected the invitation by the Uzbek authorities and refused to join the international monitoring group, thereby manifesting their unwillingness to engage in cooperation and dialogue.

Their insistence on the conduct of an international inquiry is politically motivated and a gross violation of international rules, which call for respect for national sovereignty, territorial integrity, the maintenance of the stability of States and non-interference in their domestic affairs.

Paragraph 3 (b)

Uzbekistan remains convinced that the consideration of the human rights situation in the country at the sixtieth session of the United Nations General Assembly was undertaken without any real justification and that it had nothing to do with the actual state of affairs in Uzbekistan but pursued other goals altogether.

From the very first days of Uzbekistan's independence, priority has been accorded to upholding and protecting human rights. The Uzbek Government abides by the principle of the supremacy of human interests and does all in its power to uphold the universally accepted rights and freedoms of its citizens.

Sovereign States should endeavour to improve their democratic institutions on the basis of their own history, culture and traditions. Accordingly, in joining the generally held view that the United Nations needs to be reformed to bring it more closely into line with modern realities, Uzbekistan is convinced that international organizations should set as their priority the promotion of development, including that of democratic institutions, while respecting the domestic choices and particular traditions of the plenipotentiary members of the United Nations.

In that connection, the Uzbek authorities set out their position on the substance of the issues raised in resolution 60/174 and disseminated the corresponding aide memoire as an official document of the General Assembly under symbol A/60/914 of 30 June 2006.

Paragraph 3 (c)

The Uzbek Government did not apply any pressure on other States to prevent its citizens with so-called "UNHCR mandated refugee status" from travelling to third countries.

Uzbekistan only called for the return of those persons who had broken out of prison or had perpetrated criminal acts (such as premeditated murder, terrorism, unlawful possession of firearms and weapons, attacking the constitutional order and hostage-taking), which are punishable criminal offences in every country.

The Uzbek authorities raised no objection to the departure to third countries of Uzbek citizens who had no association with criminal offences committed on the territory of Uzbekistan.

In this context we would like to point out that every country is entitled to prosecute individuals associated with the perpetration of particularly serious offences in their territory and evading justice in third countries. This procedure, which is widely followed throughout the world, was applied in full conformity with universally accepted rules and current bilateral arrangements.

In July and August 2006, 53 Uzbek citizens, many of whom had been forced by terrorists to cross over into Kyrgyzstan under threats of reprisals, returned voluntarily from the United States of America. These persons were granted the "artificial" status of refugees and were promptly flown by UNHCR from Kyrgyzstan to Romania in 2005.

Paragraph 4 (a)

First, the report of the mission by the Office of the United Nations High Commissioner for Human Rights (OHCHR), which was prepared in haste and then disseminated, distorts the real situation, since it is based on the allegations of individuals who took part in the terrorist actions and then escaped from prison.

It is surprising that, on the one hand, OHCHR acknowledges the lack of information on the criminal and terrorist acts committed in Andijan on 13 May and, on the other, affirms the objectivity of its statements and recommendations.

Second, the assessment reached by the OCHCR mission, whose very legitimacy is in doubt, flagrantly violates the sovereignty of Uzbekistan.

Third, the statement by OHCHR on behalf of the treaty bodies and special procedures mandate holders is a violation of the fundamental principles underlying the High Commissioner's mandate, as defined by General Assembly resolution 48/141. The interpretation provided in the present instance by OHCHR of the rules and mechanisms of international law is quite arbitrary and its call for the imposition on Uzbekistan of a so-called public mechanism of the United Nations comes across as a provocation.

Fourth, in its actions OHCHR ignored Security Council resolutions 1269 (1999) of 19 October 1999 and 1373 (2001) of 28 September 2001, which state that refugee status must not be granted to terrorists.

The findings of the investigation, which was carried out in full compliance with the requirements of Uzbek law and international rules, showed that the terrorist acts in Andijan had been meticulously planned and orchestrated by destructive forces outside the country, with a view to overthrowing the constitutional order in Uzbekistan. These actions led to the death of 187 individuals, 60 of whom were civilians, 11 military servicemen and 20 law-enforcement officers. In all, 287 individuals were wounded, 91 of them civilians, 49 law-enforcement officers and 59 military servicemen.

In all, during the investigation, 11,916 witnesses, victims and civilian plaintiffs were questioned, 3,664 confrontations of witnesses and suspects were organized, 2,827 inspections of the scene of events and the material evidence were conducted and recorded on film and in photographs, 326 statement verifications were carried out at the scene of events, 3,217 forensic studies of various kinds were ordered and conducted, in the following specialized areas: medicine (584), ballistics (589), criminology (363), biology (667), chemistry (224), commodity science (162), religion (64) and other fields (564). A total of 9,486 separate pieces of material and written evidence were discovered and seized and more than 4,500 decisions handed down on the conduct of a range of investigative actions pursuant to the Code of Criminal Procedure. The materials relating to the investigation into the Andijan events fill 2,823 volumes.

Paragraph 4 (b)

It is legally improper and altogether inappropriate to direct a sovereign State to accede to any international agreement. It is the sovereign right of every country to determine to which agreement it should accede and when.

At the same time, the Uzbek authorities would like to point out that Uzbekistan is developing domestic legislation on migration, which will be entirely consistent with international rules and standards.

Consideration of the issue of Uzbekistan's accession to the 1951 Convention relating to the Status of Refugees and to its protocol will be possible once its domestic legislation on migration has been prepared. This approach is fully consonant with international practice.

As for cooperation with UNHCR, the Uzbek delegation attended the fifty-sixth and fifty-seventh sessions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in Geneva and delivered its report, manifest evidence of the country's cooperation with the Office.

Paragraph 4 (c)

In Uzbekistan, as in other countries of the world, all citizens are equal before the law, regardless of their professional or social activity.

In addition, under Uzbek law, in particular, the Citizens' Appeals Act, every citizen is entitled to lodge an appeal before the courts for the restoration of rights which have been violated and for the prosecution of those responsible for such violations.

In this connection, the assertion that journalists and members of civil society, including human rights defenders, have allegedly been harassed and detained is unfounded.

The information policy conducted by the Government is designed to ensure that the principles of the freedom of speech and citizens' right to information, as enshrined in the Uzbek Constitution, are fully and consistently upheld.

As stated in article 29 of the Constitution, every citizen has the right to seek, receive and disseminate any information, provided it is not directed against the country's constitutional order.

The Professional Activities of Journalists (Protection) Act of Uzbekistan stipulates that, in the performance of their professional duties, the safety of journalists shall be guaranteed.

The development of civil-society institutions, including human rights organizations, whose emergence is directly related to the growing political dynamism of the Uzbek people, forms an integral part of the country's system for the protection of human rights.

A number of laws have been adopted which provide a sound legal basis for work of voluntary associations, including those involved in human rights activities. These include the Voluntary Associations Act, the Non-Governmental Non-Profit Organizations Act, the Public Foundations Act and others.

The facts adduced above clearly demonstrate Uzbekistan's commitment to ensuring the free operation of journalists and civil-society representatives in accordance with the rules of Uzbek law, which is entirely consistent with international standards.

Paragraph 4 (d)

A public trial was held from 20 September to 14 November 2005 of 15 persons who had been most active in organizing and conducting the terrorist events in Andijan.

All stages of the legal proceedings were conducted with the participation not only of numerous victims, civil plaintiffs and witnesses, but also of more than 100 representatives of foreign and Uzbek media bodies, diplomatic missions and international organizations, including the United Nations, UNHCR, OSCE-ODIHR and the Shanghai Cooperation Organization and such human rights organizations as Human Rights Watch and the American Association of Jurists.

During the trial, international observers had the opportunity to familiarize themselves with all the investigation materials, statements by witnesses, victims and civil claimants and the entire body of evidence (audio and video materials, findings of numerous forensic studies, incident scene reports, confiscated weapons, some seized during raids on paramilitary facilities and others brought from abroad by terrorists, etc.). In essence, they were able to follow the entire process of investigation by the court of the body of evidence described above.

Some of the trials of participants in the terrorist acts were held in camera, by order of the court and in accordance with article 19 of the Uzbek Code of Criminal Procedure, stipulating measures to ensure the safety of victims, witnesses and other persons involved in the case.

All these judicial proceedings were held in conformity with the procedural rules and in strict compliance with international standards and with the rules of Uzbek law. During the trials the adversarial principle was upheld, with the participation of lawyers, and the defence and the prosecution were accorded identical conditions and opportunities to ensure the impartial conduct of the proceedings.

Paragraph 4 (e)

The human rights situation in Uzbekistan has always been in keeping with universally recognized rules and standards.

The executive and legislative branches of the country's Government are taking the necessary steps to ensure respect for all human rights and fundamental freedoms. The following arrangements have been made to ensure effective protection of human rights:

- More than 300 laws governing human rights and fundamental freedoms have been passed;
- National human rights institutions have been established;
- A system of continuous human rights education is in operation.

Our country took issue with the way that the human rights situation in Uzbekistan was considered at both the sixtieth and sixty-first sessions of the United Nations Commission on Human Rights under the confidential 1503 procedure. The fact that the issue was raised had nothing to do with human rights in Uzbekistan and was specious. Such actions only engender confrontation and further politicize the human rights agenda.

The Uzbek authorities, which have been cooperating fully with the independent expert appointed by the Commission on Human Rights under the 1503 procedure in December 2005, have provided the expert with exhaustive responses and information on the implementation of the recommendations made by the previous expert.

Paragraph 4 (f)

The Government of Uzbekistan guarantees total freedom of religion and places no restrictions on religious organizations as to their size or places where they may operate. All religious organizations, from the largest (the Muslim Board of Uzbekistan and the diocese of Tashkent and Central Asia) to the smallest, have the same rights and obligations.

In its relations with religious organizations, the State adheres to the following principles:

- Respect for the religious feelings of believers;
- Acknowledgement of religious convictions as the private affair of citizens or of their organizations;
- Guarantee of equal rights and inadmissibility of persecuting citizens, both those who profess religious views and those who do not;
- Need to strive for dialogue with various religious organizations in order to make use of their capabilities to promote spiritual rebirth and the affirmation of universal human moral values;
- Acknowledgement of the inadmissibility of using religion for destructive purposes.

Paragraph 4 (g)

Uzbekistan has fully implemented the recommendations contained in the report of the Special Rapporteur on torture and provided the relevant information to the Commission on Human Rights on the implementation of the recommendations of the Special Rapporteur, which was issued as a United Nations document under the symbol CCPR/C/UZB/2004/2/Add.1, and also under the symbol A/59/675 (18 January 2005).

Uzbekistan was the first member of the Commonwealth of Independent States to have invited the Special Rapporteur to make a country visit. His visit and the subsequent adoption of a plan of action to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, together with the recommendations of the Special Rapporteur, confirmed the firm political will of the Government of the Republic of Uzbekistan to prevent and eliminate the practice of torture. The plan of action has been implemented fully.

Compliance with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is monitored by the Department for the Oversight of Investigations by the Office of the Procurator General of the Republic of Uzbekistan.

In accordance with the Convention, on 17 February 2005 the Procurator-General issued order No. 40 on the radical improvement of procuratorial oversight of respect for the rights and freedoms of citizens during criminal proceedings, which specifies that the protection of the rights and freedoms guaranteed under the Uzbek Constitution, procedural law and the principles of international law must be a priority for the procuratorial authorities. Procurators must strictly abide by the provisions of the Convention and all existing Uzbek legislation on that issue.

Responsibility for investigating complaints of use of torture within the internal affairs system, in accordance with working procedures, lies with the special domestic security divisions (or special staff inspectorates), which are directly answerable to the Minister of Internal Affairs.

The involvement of public figures, civil-society institutions and, in some cases, foreign experts is common practice in investigating claims of the use of torture.

There is an agreement between the Ministry of Internal Affairs and the Parliamentary Human Rights Commissioner (or Ombudsman) of the Republic of Uzbekistan on conducting joint efforts to ensure observance of human rights in the work of the internal affairs agencies.

Trials involving cases of torture and other unlawful activities by internal affairs officials are heard in public court proceedings. The court findings concerning these cases are discussed in all the country's local internal affairs agencies.

For the purpose of ensuring full and effective legal protection of the rights and freedoms of detainees and suspects, the Central Investigations Office of the Ministry of Internal Affairs and the Uzbek Bar Association have prepared and introduced a regulation on the procedure for securing the right to a lawyer for detainees, suspects and defendants at the initial inquiry and pre-trial investigation stages. As a result of introducing this regulation, the conduct and discipline of internal affairs officials is monitored in order to prevent unlawful actions on their part towards detainees, suspects and defendants.

The Special Rapporteur's recommendations on the issue of torture are reflected in the new version of the Parliamentary Human Rights Commissioner of the Republic of Uzbekistan (Ombudsman) Act.

An instruction has been drafted regulating the process for detaining suspects and providing for strict due process when they are being placed in the custody of law enforcement agencies. The instruction devotes particular attention to the issue of respect for human rights at this stage of criminal proceedings.

Paragraph 4 (h)

Uzbekistan is working closely with OHCHR. During their visits to Central Asia in 2002 and 2004, experts from the Office travelled to Uzbekistan, where they met representatives of various government institutions.

Uzbekistan is involved in the Office's regional project to provide technical assistance in the area of human rights for Central Asian countries, which was launched in 2004. In addition, Uzbekistan promptly responds to all communications or queries received from the Office concerning various human rights issues.

Uzbekistan is also cooperating with the special procedures and mechanisms of the Commission on Human Rights and punctually sends replies to its communications on various issues concerning Uzbek nationals and the human rights situation in the country.

As a party to the six major international human rights conventions, Uzbekistan is systematically cooperating with the monitoring bodies established under them (Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee against Torture, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child).

Over the past two years, Uzbekistan has submitted six periodic reports to the United Nations treaty bodies. Following the consideration of the periodic reports of Uzbekistan by the relevant treaty bodies, work has commenced in Tashkent, with the assistance of the United Nations Development Programme, on the elaboration of a national plan of action to implement their recommendations.

Paragraph 4 (i)

As a full member of OSCE, the Republic of Uzbekistan fulfils its obligations undertaken within the framework of the Organization and actively cooperates with its institutions.

Over the past two years, Uzbekistan has taken part in the majority of OSCE-sponsored events: the expert workshop on container security; the annual security review conference; the high level conference on combating trafficking in children; the expert workshop on cooperation in investigations of terrorist-related crimes; the supplementary human dimension meetings on election technologies and procedures; the expert workshop on suicide terrorism; the supplementary human dimension meeting on human rights and the fight against terrorism; the high-level consultations to discuss the final report and recommendations of the Panel of Eminent Persons on the reform of OSCE; the expert workshop on combating the use of the Internet for terrorist purposes; the OSCE Council of Ministers of Foreign Affairs; the OSCE Economic Forum, entitled "Transportation in the OSCE Area: Secure Transportation Networks and Transport Development to Enhance Regional Economic Cooperation and Stability"; and others.

Paragraph 4 (j)

Under article 34 of the Constitution, Uzbek citizens have the right to form political parties. No one may encroach on the rights, freedoms and dignity of persons constituting an opposition minority in political parties, voluntary associations and mass movements.

In accordance with article 20 of the Oliy Majlis of the Republic of Uzbekistan (Elections) Act, any political party has the right to put forward candidates for parliament on condition that it is registered with the Ministry of Justice of the Republic of Uzbekistan no later than six months prior to the date of the announcement of the start of the election campaign, and that it has collected no fewer than 50,000 voter signatures in support of its participation in the elections.

Political parties enjoying strong popular support and functioning as stable political institutions have no difficulty meeting the requirements under national law.

In Uzbekistan, the registration of any political party depends on the validity of the constituent instruments and compliance with national law, which is the same for all parties, including opposition parties.

Under article 9 of the Political Parties Act, a political party is refused registration if its members, purposes, objectives and methods of work run counter to the Constitution and other legislative acts of the Republic of Uzbekistan or if another political party or public movement has previously been registered with the same name.

In the event that a political party is denied registration, the Ministry of Justice of the Republic of Uzbekistan so informs a fully accredited member of the party's governing body in writing, citing the legal provisions with which the documents that have been submitted are not in conformity.

Accredited officials of the party's governing body have the right within one month of receipt of the denial of registration to apply again to the Ministry of Justice for registration of the party provided that the documents have been brought fully into line with the Constitution and the law of the Republic of Uzbekistan.

An appeal against refusal of registration of a political party may be lodged with the Supreme Court of the Republic of Uzbekistan in the prescribed manner.

Paragraph 4 (k)

The Government ensures compliance with the rights and legitimate interests of civil-society organizations, including non-governmental organizations, and provides them with equal legal opportunities for participation in public affairs. Interference by State bodies and officials in the activities of voluntary associations is prohibited.

Uzbekistan is pursing a policy of social partnership to promote the gradual development of civil-society institutions. As a result, non-governmental organizations are rapidly developing, participating in the decision-making process and playing an increasing role in the democratization of society.

Uzbekistan has adopted more than 10 pieces of legislation regulating the activities of voluntary associations, including the Civil Code, the Voluntary Associations Act, the Non Governmental Non-Profit Organizations Act, the Freedom of Conscience and Religion Act, the Public Foundations Act, the Homeowners' Associations Act, the Local Authorities Act and the Local Authorities Presiding Officers (Elections) Act. Amendments are being drafted to the Charitable Activities Act and the Voluntary Associations Act.

The Uzbek Association of Non-Governmental Non-Profit Organizations, which represents the interests of non-governmental organizations in relations with the State, has been operating since June 2005.

The Non-Governmental Non-Profit Organizations Support Fund was established in 2005 for the formation of independent, sustainable civic institutions enjoying broad popular support, the strengthening of their role in tackling social problems and the enhancement of the political, social and business activities of citizens.

The major objectives of the Fund are as follows:

- Raising the necessary material and financial resources, including grants from local, foreign and international organizations and financial institutions, designed to foster the development of civic institutions and, above all, independent non-governmental organizations enjoying popular support and independently tackling issues facing them with a view to satisfying and protecting the various interests of Uzbek citizens;

- Financing non-governmental organization projects and programmes to support social and political actions by citizens to resolve major humanitarian, economic and other social tasks and problems and to promote the development of civil-society institutions;

- Providing financial assistance to implement projects and programmes related to strengthening logistical support for non-governmental organizations, providing them with legal, advisory, organizational, technical and other assistance and conducting measures (conferences, workshops, training courses and others) on the development of the work of non-governmental organizations and civil-society institutions.

The work of non-governmental organizations and trade unions, national cultural centres, foundations and other civic organizations shows that the developing non-governmental organization structure in Uzbekistan reflects a balance of interests in society.

The gross and sometimes intentional violation by non-governmental organizations of their statutory purposes and the rules governing their activity in the territory of Uzbekistan, regardless of whether they are local or foreign, cannot be ignored by the authorities, however. The violation of domestic law by a number of non-governmental organizations incurs the penalties provided under the country's current laws.

Paragraph 4 (l)

Under article 67 of the Uzbek Constitution, the media are free and must act in accordance with the law; they are responsible for ensuring accuracy of information according to established procedures; and censorship is prohibited.

Article 29 of the Constitution and article 3 of the Media Act guarantee to every citizen freedom of speech and the right to publish or appear in the media and to express opinions and convictions openly. Everyone has the right to seek, receive and disseminate any kind of information.

The Professional Activities of Journalists (Protection) Act of Uzbekistan stipulates that, in the performance of their professional duties, the safety of journalists shall be guaranteed. The Act prohibits the prosecution of journalists for publishing critical material.

The Act also sets out safeguards for the professional activities of journalists: the State guarantees the freedom of journalists to receive and disseminate information and provides protection during the conduct of their professional activities; and the rights, honour and dignity of journalists are protected by law. It is forbidden to interfere in the professional activities of journalists and to require them to provide any information obtained in the course of their professional duties.

The information policy conducted by the Government is designed to ensure that the principles of the freedom of speech and citizens' right to information, as enshrined in the Uzbek Constitution, are fully and consistently upheld. Censorship is prohibited in the country; the activities of the media may be suspended only by a court of law; and the rules for media registration have been simplified.

There are some 500 independent media outlets in Uzbekistan at present. They include newspapers, magazines, radio and television stations, news agencies and electronic media on the Internet. In 2005, according to the Press and Information Agency, 307 newspapers, more than 100 magazines, 28 television studios, 12 radio stations and 36 cable television stations were operating successfully with independent status.

Periodicals published by various parties, voluntary associations, foundations, private and commercial enterprises, associations and religious groups also have wide circulation in the cities and regions of Uzbekistan. They all differ in focus and content and are tailored to the interests of members of different social strata.

The Professional Journalists Club was established in Tashkent in May 2006. The club's co-founders and main sponsors are the National Electronic Media Association and the Foundation for the Support and Development of Independent Printed Media and News Agencies of Uzbekistan. One of the objectives of this new association is to foster civic mindedness and independent thinking among journalists, which in turn will be conducive to the development of free and democratic media.

Paragraph 4 (m)

Uzbekistan has adopted legislative, administrative and other measures necessary for providing effective guarantees of the rights and freedoms of individuals, which are consistent with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (United Nations Declaration on Human Rights Defenders).

As it attaches great importance to respect for the rights and fundamental freedoms of its citizens, Uzbekistan began to establish national human rights institutions in the mid-1990s.

Pursuant to the recommendations of the second World Conference on Human Rights, held in Vienna in 1993, a system of national human rights institutions has been established in the country, including the Constitutional Court, the Parliamentary Human Rights Commissioner (Ombudsman), the National Human Rights Centre, the Institute for Monitoring Current Legislation, the Centre for the Study of Public Opinion and others, all of which are doing productive work.

Special human rights divisions have been established within the law-enforcement agencies, including the Ministry of Justice, the Ministry of Internal Affairs and the Office of the Procurator-General.

The development of civic institutions is an integral part of the national human rights system, including human rights organizations, whose emergence is directly linked to the population's increased political activity.

Several laws have been adopted to strengthen and protect the activities of voluntary associations, including those engaged in human rights activities. They include the Voluntary Associations Act, the Non-Governmental Non-Profit Organizations Act, the Public Foundations Act, and others.

Since 1997 a special human rights course has been taught in all institutions of secondary and higher education in Uzbekistan. The University of World Economy and Diplomacy has established a UNESCO Chair in human rights, peace, democracy, tolerance and international understanding and the Academy of the Ministry of Internal Affairs has established a chair in human rights theory and practice.

All the above measures are fully consistent with the United Nations Declaration on Human Rights Defenders.

Paragraph 4 (n)

The domestic law of Uzbekistan regulating labour matters is fully in line with international rules and standards, including International Labour Organization (ILO) Convention No. 29 on Forced Labour and Convention No. 105 concerning the Abolition of Forced Labour.

Uzbekistan is committed to meeting the obligations which it has entered into within international organizations, including ILO. The Uzbek Government avails itself of all the resources and opportunities at its disposal in carrying out a systematic policy designed to uphold the right to work of its citizens and to ensure a decent standard of living.

The issue of ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour is currently under consideration by the appropriate ministries and departments of the Republic of Uzbekistan.

Paragraph 4 (o)

As stated in article 41, paragraph 2, of the Vienna Convention on Diplomatic Relations: "All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

Accordingly, members of the diplomatic corps must abide by this provision in "ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State", as set out in article 3, paragraph 1 (d), of the Convention.

In addition, pursuant to article 29 of the Convention, the receiving State shall take all appropriate steps to prevent any attack on the person, freedom or dignity of a diplomatic agent. The request by the Uzbek authorities to diplomatic missions accredited to Tashkent to notify them of visits by diplomatic representatives to other regions of the country in the performance of their official duties was prompted by the authorities' aspiration to comply with that obligation under the Vienna Convention.